

District Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICK OLMTEAD,

Plaintiff,

v.

RAY MABUS,

Defendant.

CASE NO. 3:13-cv-05051-BHS

DECLARATION OF MICHAEL L.
IRBY

I, MICHAEL L. IRBY, declare under penalty of perjury, as provided by 28 U.S.C.
§ 1746, that the following is true and correct to the best of my knowledge:

1. I am currently employed by the United States Navy, at the Puget Sound Naval Shipyard and Intermediate Maintenance Facility, Bremerton, WA ("Shipyard"). I have been employed at the Shipyard for more than 16 years. My current position is Deputy Project Superintendent in Code 312. At the time of the selections I was the Nuclear Operations Manager. I have been a supervisor for twelve years. My date of birth is December 12, 1965.
2. A temporary promotion is done competitively, extensions are administrative and do not require a new competition. In my experience the order of events to make up a competitive selection for these positions is, basically: (1) announcement of a vacancy, (2) a review of the applicants by a regional personnel office that results in a certificate of eligible candidates, (3) the selecting official conducts an initial screening to determine whether or not the individuals on the list of "eligible candidates" possess the specific skills and experience necessary to meet the requirements of the position (for instance, if hiring a nuclear supervisor, does that individual possess the knowledge necessary to supervise nuclear workers), (4) a

1 rating of those candidates identified is conducted by a group of supervisors, (5) a
2 comparison of the ratings, and (6) a final selection by the proper authority.

3 3. In September, 2013, I requested a certificate from OCHR for two temporary
4 General Foreman (Supervisor II) positions. The announcement number for those
5 positions was 698902.

6 4. I selected Mr. Allen Macabitas and Mr. Brandon Milovich to fill my vacancies
7 because they possessed the knowledge skills, and experience necessary to act as
8 General Foreman and were best qualified to fill my vacancies.

9 5. Mr. Macabitas was selected to be a Zone Manager in Code/361, the nuclear
10 special projects branch of Code 300N. He was already a second level manager at
11 the time of his selection so he came with extensive experience. Mr. Macabitas
12 had experience working with projects and processes as a first and second level
13 manager. This made him very well rounded and the best qualified applicant.

14 6. Mr. Milovich was selected to be a Zone Manager for the temporary services and
15 facilities for the CVN-76 project in San Diego. Mr. Milovich had served as a
16 nuclear supervisor within the temporary services rigging shop and was therefore
17 familiar with all shop policies and procedures. In addition, he had experience as a
18 stand in second level supervisor as a facilities Zone Manager. Based on his
19 experience, he was considered the best qualified applicant for the position.

20 7. In January, 2014, I requested a certificate from OCHR for the position of
21 Combined Trades Supervisor II. The announcement number for this position was
22 987191.

23 8. I selected Mr. Joshua White for this position. Mr. White was selected to be a
24 Zone Manager at NRMD Bangor. Mr. White had extensive experience as a
25 nuclear supervisor at this location, and had held the position of Zone Manager in
26 an interim capacity as well prior to his selection. Based on these attributes it was
27 determined Mr. White was the most qualified applicant for this position.

28 9. When I made these selections, I did not know Mr. Olmstead. As such, I was
unaware of his age and prior EEO activity.

1 10. I recall nothing unusual about this selection process, this occasion was the same
2 as the other selections I have performed. I did not hear any comments related to
3 the candidates ages, prior EEO activity, or any other improper factors, and I
4 would not have expected to.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this 8th day of December, 2014.

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9 
10 MICHAEL L. IRBY